

**2009 DRAFTING REQUEST****Bill**Received: **09/18/2008**Received By: **rkite**Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**By/Representing: **Miner**This file may be shown to any legislator: **NO**Drafter: **rkite**

May Contact:

Addl. Drafters:

Subject: **Nat. Res. - miscellaneous**

Extra Copies:

Submit via email: **NO**

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**Pre Topic:**

DOA:.....Miner, BB0021 -

---

**Topic:**

Dam safety grant program changes

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**Instructions:**

See attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			S&L
/1	rkite 09/23/2008	bkraft 09/25/2008	mduchek 09/26/2008	_____	cduerst 09/26/2008		S&L
/2	rkite 10/02/2008	bkraft 10/03/2008	jfrantze 10/03/2008	_____	cduerst 10/03/2008		

FE Sent For:

&lt;END&gt;

# 2009 DRAFTING REQUEST

## Bill

Received: 09/18/2008

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See attached

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12 bjk 10/3  
  
  
  
  

<END>

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/?	rkite	11 bjk 9/25	MD 9/25	MD/BS 9/25			

FE Sent For:

&lt;END&gt;

RDG/mgc

## 2009-11 Budget Bill Statutory Language Drafting Request

- Topic: Dam Safety Grant Program, Bonding Authorization and Statutory Changes
- Tracking Code: BB0021
- SBO team: Agriculture, Environment and Justice
- SBO analyst: Andrew Miner AM 9/17/08
  - Phone: 266-1103
  - Email: andrew.miner@wisconsin.gov
- Agency acronym: DNR
- Agency number: 370
- Priority (Low, Medium, High): High

Intent: 1. Provide an additional \$3 million in general obligation bonding authority for the dam safety grant program under s. 31.385. 2. Make the following changes to the language of the program:

- ✓ • Modify s.31.385(2)(a)(3) to increase the cap on the state contribution for a municipal dam project from \$200,000 to \$400,000.
- ✓ • Remove the term "small" from s.31.385(2)(ag) and replace the definition of "small dam" in s.31.385(1b)(b) so that owners of dams of any size can apply for grants to voluntarily remove their dams.
- ✓ • Repeal s.31.385(4).
- ✓ • Revise s.31.385 to provide full funding for dam removal projects up to the maximum state contribution while continuing to fund repair or reconstruction projects of municipal dams as a 50/50 matching grant up to the maximum state contribution.

**Kite, Robin**

---

**From:** Miner, Andrew - DOA [Andrew.Miner@Wisconsin.gov]  
**Sent:** Friday, September 19, 2008 11:38 AM  
**To:** Kite, Robin  
**Subject:** RE: Dam safety program

Hi Robin,

The answer to #1 is yes, you are correct. For #2, the department wants the debt service for the bonding to be GPR-supported. If I am reading the language correctly, I believe that would mean the entire increase should be under (2)(tx), since (2)(tL) says it is segregated revenue supported. Please let me know if you have more questions. Thanks,  
Andrew

---

**From:** Kite, Robin [mailto:Robin.Kite@legis.wisconsin.gov]  
**Sent:** Thursday, September 18, 2008 12:53 PM  
**To:** Miner, Andrew - DOA  
**Subject:** Dam safety program

Andrew:

I have some questions on the drafting request relating to the dam safety program (BB0021):

1. Under current law, at least \$250,000 of the amounts appropriated under s. 20.866 (2) (tL) must be used for removal of small dams. You requested that this language be changed so that these amounts can be used for the removal of any dam, regardless of size. Current law also requires that at least \$100,000 be used to remove abandoned dams. I am assuming that the \$250,000 amount designated for removal of dams is in addition to the \$100,000 designated to remove abandoned dams? Am I correct?
2. You also requested that the draft provide an additional \$3,000,000 in bonding authority. Do you want the bonding limit increase to be specified in the appropriation under s. 20.866 (2) (tL) or the appropriation under s. 20.866 (2) (tx)? Or do you want to allocate a certain amount between those 2 appropriations?

Thanks.

Robin

---

Robin Kite, Senior Legislative Attorney  
Wisconsin Legislative Reference Bureau  
1 East Main Street, Suite 200  
Madison, WI 53703  
(608) 266-7291

+L - seg supported  
tx - GPR supported



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-027772

RNK:.....

Lbjk

DOA:.....Miner, BB0021 - Dam safety grant program changes ✓

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

In 9/23

SA ✓  
X-ref ✓

do not  
gen. cat.

1 AN ACT ...; relating to: the budget. ✓

**Analysis by the Legislative Reference Bureau**

Under current law, DNR administers a financial assistance program for projects that increase the safety of dams including projects to maintain, repair, or remove a dam. Generally, DNR may provide financial assistance to municipalities and public inland lake protection and rehabilitation districts (lake districts) and to dam owners, but only if DNR has issued a directive to the municipality, lake district or owner to repair, maintain, or remove the dam. Current law authorizes DNR to contract public debt for the purpose of funding the dam safety program. Under current law, DNR has bonding authority for the dam safety program of up to \$5,500,000. Debt service on this debt is paid from the general fund. DNR has additional bonding authority under the dam safety program of up to \$6,000,000, the debt service on which is paid from the conservation fund. This bill increases DNR's bonding authority, the debt service on which is paid from the general fund, to \$8,500,000. ✓

Under the dam safety program, DNR may provide financial assistance to municipalities and lake districts for any type of dam safety project. It may also provide financial assistance to private owners for the removal of small dams and to any person for the removal of abandoned dams. This bill broadens eligibility for financial assistance under the dam safety program by authorizing DNR to provide financial assistance to any person for the removal of a dam, regardless of the size of the dam. ✓

NATURAL RESOURCES  
RECREATION ✓

Under current law financial assistance for each dam safety project is limited to not more than \$200,000. This bill increases the cap on financial assistance given to a municipality or lake district to \$400,000 for each dam safety project. Current law also limits financial assistance for dam safety projects to no more than 50% of the cost of the project except that the 50% limit does not apply to projects to remove abandoned dams. This bill expands the exception to the 50% limit so that any project to remove a dam, whether or not abandoned, is not subject to the limit. x3 percent

Current law requires DNR to maintain an inventory of all dams in this state that require a dam safety project. DNR is required to include a statement on the inventory of which parts of the dam safety project are required to protect public rights in navigable waters. DNR must also establish a notice and hearing process for a dam owner to object to the inclusion of the owner's dam on the inventory. This bill eliminates these dam inventory requirements.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 20.866 (2) (tx) of the statutes is amended to read:

20.866 (2) (tx) *Natural resources; dam safety projects.* From the capital improvement fund, a sum sufficient for the department of natural resources to provide financial assistance to counties, cities, villages, towns and public inland lake protection and rehabilitation districts for dam safety projects under s. 31.385. The state may contract public debt in an amount not to exceed \$5,500,000 \$8,500,000 for this purpose.

**History:** 1971 c. 42; 1971 c. 100 s. 23; 1971 c. 125, 211, 215, 236, 307, 330, 336; 1973 c. 90 ss. 148 to 149m, 555m (2); 1973 c. 333; 1975 c. 26, 39, 40, 41, 200, 224, 422; 1977 c. 4, 6; 1977 c. 29 ss. 385 to 387, 1650m (4), 1656 (43); 1977 c. 418; 1979 c. 4; 1979 c. 34 ss. 675a to 677v, 2102 (6) (a), (39) (a), (52) (a); 1979 c. 107, 221; 1981 c. 1 ss. 17, 18, 47; 1981 c. 20, 108, 317, 336; 1983 a. 27; 1983 a. 36 s. 96 (4); 1983 a. 97, 192, 195, 212; 1983 a. 410 s. 2202 (2); 1985 a. 6; 1985 a. 8 ss. 4, 12; 1985 a. 29 ss. 589m to 598, 3202 (23) (c), (26) (a), (53) (a); 1985 a. 77, 120, 332; 1987 a. 27, 295, 298, 399, 403, 409; 1989 a. 31, 46, 107, 122, 219, 336, 359, 366; 1991 a. 39, 51, 269, 309, 324; 1993 a. 2, 16, 98, 115, 213, 343, 377, 413, 437, 453, 485; 1995 a. 27 ss. 1159 to 1168s, 9126 (19), 9145 (1); 1995 a. 40, 57, 60, 113; 1995 a. 216, s. 30m and 9127; 1995 a. 227, 246, 372, 388, 416, 452; 1997 a. 27, 35, 61, 164, 237, 252; 1999 a. 4, 9, 146; 1999 a. 150 s. 672; 1999 a. 184; 2001 a. 12, 16, 103, 109; 2003 a. 33, 64, 91, 129; 2005 a. 1, 22, 25, 102, 300; 2007 a. 5; 2007 a. 20 ss. 582 to 597s, 9121 (a); 2007 a. 226.

SECTION 2. 31.385 (1b) (intro.) and (a) of the statutes are consolidated, renumbered 31.385 (1b) and amended to read:

31.385 (1b) In this section: (a) "Dam dam safety project" means the maintenance, repair, modification, abandonment or removal of a dam to increase its safety or any other activity that will increase the safety of a dam.

**History:** 1989 a. 31, 336; 1991 a. 39; 1993 a. 16; 1997 a. 27; 1999 a. 9, 185; 2001 a. 16; 2007 a. 97.

1                   X  
SECTION 3. 31.385 (1b) (b) of the statutes is repealed. ✓

2                   X  
SECTION 4. 31.385 (1m) (b) of the statutes is repealed. ✓

3                   X  
SECTION 5. 31.385 (1m) (c) of the statutes is amended to read: ✓

4                   ✓  
31.385 (1m) (c) To any persons for the removal of abandoned dams. ✓

5 History: 1989 a. 31, 336; 1991 a. 39; 1993 a. 16; 1997 a. 27; 1999 a. 9, 185; 2001 a. 16; 2007 a. 97. ✓

SECTION 6. 31.385 (2) (a) 2. of the statutes is amended to read:

6                   ✓  
31.385 (2) (a) 2. A project to remove ~~an abandoned~~ a dam shall not be subject  
7 to the 50% cost limit under subd. 1.

8 History: 1989 a. 31, 336; 1991 a. 39; 1993 a. 16; 1997 a. 27; 1999 a. 9, 185; 2001 a. 16; 2007 a. 97. ✓

SECTION 7. 31.385 (2) (a) 3. of the statutes is amended to read:

9                   ✓  
31.385 (2) (a) 3. ~~Financial~~ Except as provided in subd. 4., financial assistance  
10 is limited to no more than \$200,000 for each dam safety project.

11 History: 1989 a. 31, 336; 1991 a. 39; 1993 a. 16; 1997 a. 27; 1999 a. 9, 185; 2001 a. 16; 2007 a. 97. ✓

SECTION 8. 31.385 (2) (a) 4. of the statutes is created to read:

12                   ✓  
31.385 (2) (a) 4. Financial assistance to municipalities and public inland lake  
13 protection and rehabilitation districts is limited to no more than \$400,000 for each  
14 dam safety project. ✓

15                   X  
SECTION 9. 31.385 (2) (ag) of the statutes is amended to read: ✓

16                   ✓  
31.385 (2) (ag) Of the amounts appropriated under s. 20.866 (2) (tL), at least  
17 \$250,000 shall be used for projects to remove ~~small~~ dams. A project to remove a ~~small~~  
18 dam may include restoring the stream or river that was dammed. ✓

19 History: 1989 a. 31, 336; 1991 a. 39; 1993 a. 16; 1997 a. 27; 1999 a. 9, 185; 2001 a. 16; 2007 a. 97. ✓

SECTION 10. 31.385 (2) (ar) of the statutes is amended to read:

20                   ✓  
31.385 (2) (ar) Of the amounts appropriated under s. 20.866 (2) (tL), at least  
21 \$100,000 shall be used for the removal of abandoned dams. The amounts required  
22 to be used under this paragraph are in addition to the amounts required to be used  
23 for the removal of dams under par. (ag). ✓

History: 1989 a. 31, 336; 1991 a. 39; 1993 a. 16; 1997 a. 27; 1999 a. 9, 185; 2001 a. 16; 2007 a. 97.



~~X~~  
1        **SECTION 11.** 31.385 (4) of the statutes is repealed. ✓

~~X~~        **SECTION 12.** 31.385 (5) of the statutes is amended to read: ✓

3        ✓ 31.385 (5) Notwithstanding the limitations under sub. (2) (a) and the funding  
4 allocation requirements under sub. (2) (ag) and (ar), the department shall provide  
5 financial assistance to the village of Cazenovia in the amount necessary for a dam  
6 safety project to repair a dam that is located in the portion of the village that is in  
7 Richland County. The amount of the financial assistance may not exceed \$250,000.  
8 The village need not contribute to the repair costs, and sub. (2) (c) does not apply to  
9 this dam safety project. ~~The repair of this dam need not be included as a dam safety~~  
10 ~~project under the inventory maintained by the department under sub. (4) for the~~  
11 ~~village to receive financial assistance under this section.~~ ✓

12        **History:** 1989 a. 31, 336; 1991 a. 39; 1993 a. 16; 1997 a. 27; 1999 a. 9, 185; 2001 a. 16; 2007 a. 97.

(END) ✓

**Kite, Robin**

---

**From:** Miner, Andrew - DOA [Andrew.Miner@Wisconsin.gov]  
**Sent:** Wednesday, October 01, 2008 9:34 AM  
**To:** Kite, Robin  
**Subject:** FW: LRB Draft: 09-0277/1 Dam safety grant program changes

Robin,

DNR submitted the following comments with regards to your draft for the dam safety grants. They seem to address some of the issues we were trying to work out. Please take a look and let me know if you have any questions or concerns. Thanks,  
Andrew

---

**From:** Neumann, Paul F - DNR  
**Sent:** Wednesday, October 01, 2008 9:28 AM  
**To:** Miner, Andrew - DOA  
**Subject:** RE: LRB Draft: 09-0277/1 Dam safety grant program changes

Andrew,

Meg Galloway and I met yesterday afternoon and put together the following comments:

**Section 1:** OK

**Section 2:** OK

**Section 3:** OK

✓ **Section 4:** Instead of repealing 31.385 (1m) (b) in its entirety, just strike the word "small".

✓ **Section 5:** We prefer that no changes be made to 31.385 (1m) (c). This section allows the Department to work with a person to remove an abandoned dam. In other words, if the Department is unable to determine who owns a dam, they can provide financial assistance to any individual who is willing to start a project to remove the abandoned dam.

**Section 6:** OK

✓ **Section 7:** The only change that we would like to see in this section is for the cap to be increased to \$400,000.

✓ **Section 8:** This section is not necessary because we want the new \$400,000 cap to apply to all dam safety projects.

**Section 9:** Shouldn't "or (tx)" be inserted after "s. 20.866 (2) (tL)" since that is where the additional bonding authority would be located?

**Section 10:** Shouldn't "or (tx)" be inserted after "s. 20.866 (2) (tL)" since that is where the additional bonding authority would be located?

**Section 11:** OK

**Section 12:** OK

Thanks,  
Paul

---

**From:** Miner, Andrew - DOA  
**Sent:** Friday, September 26, 2008 11:20 AM  
**To:** Neumann, Paul F - DNR  
**Subject:** FW: LRB Draft: 09-0277/1 Dam safety grant program changes

Hi Paul – I've got the OK to send this draft to you to take a look at to make sure it is what you want (you can check with program staff). Robin had a few questions while drafting it, so please verify for accuracy and let me know. Thanks - Andrew

---

**From:** Duchek, Michael [mailto:Michael.Duchek@legis.wisconsin.gov]

**Sent:** Friday, September 26, 2008 10:18 AM

**To:** Miner, Andrew - DOA

**Cc:** Steinmetz, Jana D - DOA; Hanaman, Cathlene - LEGIS; Hamele, Mary - DOA

**Subject:** LRB Draft: 09-0277/1 Dam safety grant program changes

Following is the PDF version of draft 09-0277/1.



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-0277/1

RNK:bjk:md

DOA:.....Miner, BB0021 - Dam safety grant program changes

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

Inserts

In 10/2/08

SAV  
X-ref ✓

do not  
gen.

1 AN ACT ...; relating to: the budget.

*Analysis by the Legislative Reference Bureau*

**NATURAL RESOURCES**

**RECREATION**

Under current law, DNR administers a financial assistance program for projects that increase the safety of dams including projects to maintain, repair, or remove a dam. Generally, DNR may provide financial assistance to municipalities and public inland lake protection and rehabilitation districts (lake districts) and to dam owners, but only if DNR has issued a directive to the municipality, lake district or owner to repair, maintain, or remove the dam. Current law authorizes DNR to contract public debt for the purpose of funding the dam safety program. Under current law, DNR has bonding authority for the dam safety program of up to \$5,500,000. Debt service on this debt is paid from the general fund. DNR has additional bonding authority under the dam safety program of up to \$6,600,000, the debt service on which is paid from the conservation fund. This bill increases DNR's bonding authority, the debt service on which is paid from the general fund, to \$8,500,000.

Under the dam safety program, DNR may provide financial assistance to municipalities and lake districts for any type of dam safety project. It may also provide financial assistance to private owners for the removal of small dams and to any person for the removal of abandoned dams. This bill broadens eligibility for financial assistance under the dam safety program by authorizing DNR to provide

- financial assistance to ~~any person~~ <sup>private owners and</sup> for the removal of a dam, regardless of the size of the dam.

- Under current law financial assistance for each dam safety project is limited to not more than \$200,000. This bill increases the cap on financial assistance ~~given to~~ <sup>e</sup> ~~a municipality or lake district~~ to \$400,000 for each dam safety project. Current law also limits financial assistance for dam safety projects to no more than 50 percent of the cost of the project except that the 50 percent limit does not apply to projects to remove abandoned dams. This bill expands the exception to the 50 percent limit so that any project to remove a dam, whether or not abandoned, is not subject to the limit.

Current law requires DNR to maintain an inventory of all dams in this state that require a dam safety project. DNR is required to include a statement on the inventory of which parts of the dam safety project are required to protect public rights in navigable waters. DNR must also establish a notice and hearing process for a dam owner to object to the inclusion of the owner's dam on the inventory. This bill eliminates these dam inventory requirements.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

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2        20.866 (2) (tx) *Natural resources; dam safety projects.* From the capital  
3        improvement fund, a sum sufficient for the department of natural resources to  
4        provide financial assistance to counties, cities, villages, towns and public inland lake  
5        protection and rehabilitation districts for dam safety projects under s. 31.385. The  
6        state may contract public debt in an amount not to exceed ~~\$5,500,000~~ \$8,500,000 for  
7        this purpose.

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8        **SECTION 2.** 31.385 (1b) (intro.) and (a) of the statutes are consolidated,  
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11       maintenance, repair, modification, abandonment or removal of a dam to increase its  
12       safety or any other activity that will increase the safety of a dam.

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4 safety project to repair a dam that is located in the portion of the village that is in  
5 Richland County. The amount of the financial assistance may not exceed \$250,000.  
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7 this dam safety project. ~~The repair of this dam need not be included as a dam safety~~  
8 ~~project under the inventory maintained by the department under sub. (4) for the~~  
9 ~~village to receive financial assistance under this section.~~

10                           (END)

**2009-2010 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0277/2ins.

RNK:.....

**INSERT 3-4**

- X
- 1           **SECTION 1.** 31.385 (1m) (b) of the statutes is amended to read:
- 2           ✓ 31.385 (1m) (b) To private owners for the removal of small dams. ✓

**History:** 1989 a. 31, 336; 1991 a. 39; 1993 a. 16; 1997 a. 27; 1999 a. 9, 185; 2001 a. 16; 2007 a. 97.

**INSERT 3-14**

- X
- 3           **SECTION 2.** 31.385 (2) (a) 3. of the statutes is amended to read: ✓
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- 5           \$400,000 for each dam safety project. ✓

**History:** 1989 a. 31, 336; 1991 a. 39; 1993 a. 16; 1997 a. 27; 1999 a. 9, 185; 2001 a. 16; 2007 a. 97.





DOA:.....Miner, BB0021 - Dam safety grant program changes

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the budget.

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*Analysis by the Legislative Reference Bureau*

**NATURAL RESOURCES**

**RECREATION**

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4       provide financial assistance to counties, cities, villages, towns and public inland lake  
5       protection and rehabilitation districts for dam safety projects under s. 31.385. The  
6       state may contract public debt in an amount not to exceed \$5,500,000 \$8,500,000 for  
7       this purpose.

8       **SECTION 2.** 31.385 (1b) (intro.) and (a) of the statutes are consolidated,  
9       renumbered 31.385 (1b) and amended to read:

10       31.385 (1b) In this section: ~~(a) "Dam~~ "dam safety project" means the  
11       maintenance, repair, modification, abandonment or removal of a dam to increase its  
12       safety or any other activity that will increase the safety of a dam.

13       **SECTION 3.** 31.385 (1b) (b) of the statutes is repealed.

1           **SECTION 4.** 31.385 (1m) (b) of the statutes is amended to read:

2           31.385 (1m) (b) To private owners for the removal of small dams.

3           **SECTION 5.** 31.385 (2) (a) 2. of the statutes is amended to read:

4           31.385 (2) (a) 2. A project to remove ~~an abandoned~~ a dam shall not be subject  
5 to the 50% cost limit under subd. 1.

6           **SECTION 6.** 31.385 (2) (a) 3. of the statutes is amended to read:

7           31.385 (2) (a) 3. Financial assistance is limited to no more than \$200,000  
8 \$400,000 for each dam safety project.

9           **SECTION 7.** 31.385 (2) (ag) of the statutes is amended to read:

10          31.385 (2) (ag) Of the amounts appropriated under s. 20.866 (2) (tL) and (tx),  
11 at least \$250,000 shall be used for projects to remove small dams. A project to remove  
12 a small dam may include restoring the stream or river that was dammed.

13          **SECTION 8.** 31.385 (2) (ar) of the statutes is amended to read:

14          31.385 (2) (ar) Of the amounts appropriated under s. 20.866 (2) (tL) and (tx),  
15 at least \$100,000 shall be used for the removal of abandoned dams. The amounts  
16 required to be used under this paragraph are in addition to the amounts required to  
17 be used for the removal of dams under par. (ag).

18          **SECTION 9.** 31.385 (4) of the statutes is repealed.

19          **SECTION 10.** 31.385 (5) of the statutes is amended to read:

20          31.385 (5) Notwithstanding the limitations under sub. (2) (a) and the funding  
21 allocation requirements under sub. (2) (ag) and (ar), the department shall provide  
22 financial assistance to the village of Cazenovia in the amount necessary for a dam  
23 safety project to repair a dam that is located in the portion of the village that is in  
24 Richland County. The amount of the financial assistance may not exceed \$250,000.  
25 The village need not contribute to the repair costs, and sub. (2) (c) does not apply to

1 this dam safety project. ~~The repair of this dam need not be included as a dam safety~~  
2 ~~project under the inventory maintained by the department under sub. (4) for the~~  
3 ~~village to receive financial assistance under this section.~~

4 (END)